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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

UNITED STATES OF AMERICA,

v.

GREGORY ALLEN GOINS,

Defendant.

Case No. 7:05CR00028-016

(Case No. 7:10CV8-216)

FINAL JUDGMENT AND ORDER

By: Glen E. Conrad

United States District Judge

For the reasons stated in the memorandum opinion entered this day, it is

ADJUDGED AND ORDERED

that the defendant's motion (Dkt. No. 750), construed and filed as a motion to vacate, set aside or correct sentence, pursuant to 28 U.S.C. § 2255, is **DISMISSED** without prejudice and the § 2255 action is hereby stricken from the active docket of the court. It is further **ORDERED** that for lack of cause shown, the defendant's motion for modification of supervised release conditions is **DENIED**, pursuant to 18 U.S.C. § 3583(e). Based upon the court's finding that the defendant has not made the requisite showing of denial of a substantial right, a certificate of appealability regarding dismissal of the § 2255 motion is **DENIED**.

ENTER: This 15th day of January, 2010.

United States District Judge